

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:

*Bellande*, 16-cv-02700-JNE-FLN  
*Colon*, 16-cv-00985-JNE-FLN  
*Perkins*, 17-cv-01049-JNE-FLN  
*Nickell*, 17-cv-4285-JNE-FLN  
*Grimsley*, 17-cv-04872-JNE-FLN  
*Andrews*, 17-cv-03276-JNE-FLN

**DEFENDANTS' MOTION TO  
DISMISS CASES FOR FAILURE TO  
COMPLY WITH PRETRIAL  
ORDER NO. 23 AND/OR  
FED. R. CIV. P. 25(a)**

Pursuant to Pretrial Order No. 23 and Federal Rule of Procedure 25(a), Defendants 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively, "Defendants") respectfully move the Court to dismiss the following actions with prejudice for failure to comply with Pretrial Order No. 23 and Fed. R. Civ. P. 25(a):

| Case Number         | Title                             | Firm Name                       |
|---------------------|-----------------------------------|---------------------------------|
| 16-cv-00985-JNE-FLN | <i>Colon v. 3M Co., et al.</i>    | Michael Hingle & Associates LLC |
| 17-cv-01049-JNE-FLN | <i>Perkins v. 3M Co., et al.</i>  | Pendley, Baudin & Coffin, LLP   |
| 17-cv-04872-JNE-FLN | <i>Grimsley v. 3M Co., et al.</i> | Bernstein Liebhard LLP          |
| 17-cv-03276-JNE-FLN | <i>Andrews v. 3M Co., et al.</i>  | Brown and Crouppen, PC          |

In addition, pursuant to Pretrial Order No. 23 and Fed. R. Civ. P. 25(a), Defendants move this Court to dismiss the claims of the deceased parties in the two following actions with prejudice:

| Case Number         | Title                                    | Firm Name            |
|---------------------|--|----------------------|
| 16-cv-02700-JNE-FLN | <i>Bellande et al. v. 3M Co., et al.</i> | Kennedy Hodges, LLP  |
| 17-cv-4285-JNE-FLN  | <i>Nickell et al. v. 3M Co., et al.</i>  | Gustafson Gluek PLLC |

As set forth in Defendants' Memorandum in Support of Motion to Dismiss Cases for Failure to Comply with Pretrial Order No. 23 and/or Fed. R. Civ. P. 25(a), the above-referenced six (6) matters have failed to meet the requirements of this Court's Order and the federal rules, and dismissal is appropriate.

Dated: July 3, 2018

Respectfully submitted,

*s/Benjamin W. Hulse*

Jerry W. Blackwell (MN #186867)  
Benjamin W. Hulse (MN #0390952)  
Mary S. Young (MN #0392781)  
BLACKWELL BURKE P.A.  
431 South Seventh Street, Suite 2500  
Minneapolis, MN 55415  
Phone: (612) 343-3200  
Fax: (612) 343-3205  
Email: [blackwell@blackwellburke.com](mailto:blackwell@blackwellburke.com)  
[bhulse@blackwellburke.com](mailto:bhulse@blackwellburke.com)  
[myoung@blackwellburke.com](mailto:myoung@blackwellburke.com)

Bridget M. Ahmann (MN #016611x)  
FAEGRE BAKER DANIELS LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Phone: (612) 766-7000  
Email: [bridget.ahmann@faegrebd.com](mailto:bridget.ahmann@faegrebd.com)

***Counsel for Defendants 3M Company  
and Arizant Healthcare Inc.***